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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,043

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EXAMINER

BRAY, STEPHEN A

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

02/18/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/566,043

Applicant(s)

MATSUI ET AL.

Examiner

STEPHEN A. BRAY

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Alexander S. Beck/
Supervisory Patent Examiner, Art Unit 2629

/STEPHEN A BRAY/
Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the Applicant's arguments on Pages 11 and 12 that Paragraphs [0019] and [0020] of the Applicant's specification provides support for the limitation in Claim 1 that reads "...a directional input unit having an operating member usable to make a directional input and unusable to make a rotational input by a user...", the Examiner respectfully disagrees. The Examiner reads the above limitation to mean that the operating member is usable to make a directional input and unusable to make a rotational input. Paragraphs [0019] and [0020] of the Applicant's specification discloses that the calculating unit is used to calculate the amount of change between a first input and a second input, with the purpose of said calculation to be avoiding having a directional input operation being judged as a rotational input. Therefore Paragraph [0020] discloses that the operational member can be used to make a rotational input, but that a rotational input is not desirable in certain situations. Therefore the portion of the specification cited by the Applicant is not support for the above limitation in the specification.

Regarding the Applicant's arguments on Pages 15 - 20, the Examiner would like to point out that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). *Goldenberg et al* (US 6,636,197) discloses a directional input unit (See Knob 26 in Figure 1) which generates directional inputs in at least three directions (left/right, up/down, push/pull Column 5, line 6 through Column 6, line 55.) Column 13, line 14 through Column 14, line 14 of *Goldenberg et al* discloses using "Rate control" to control the amount of change based upon the detected amount of angular rotation (amount of change) that the user exerts on the knob. *Fitzmaurice et al* (US 5,973,669) discloses having knob wherein the amount of change between a reference position and a subsequent position is measured (See Figures 5a-5e and Column 4, lines 32-57) and then judging if the amount of change falls within a predetermined range (Column 4, line 58 through Column 5, line 20 of *Fitzmaurice et al.*) and changing the rate of playback based upon the detected angular change. The "Rate control" method taught by *Goldenberg et al* could be modified with the rotational input method taught by *Fitzmaurice et al* and would have resulted in an input device in which the rate of playback of video media is controlled according to the amount of angular change performed on the input member by the user of the input device. *Mukai et al* (US 2002/0158851) discloses receiving an user input and determining whether a first process or a second process is to be performed based upon the user inputs (See Figures 1-2). Therefore one of ordinary skill in the art could modify the input device taught by *Goldenberg et al* with the teachings of *Mukai et al* in order to form an input device in which it is easier to determine whether the user desires a first operation or a second operation to be performed.

Regarding the Applicant's arguments on Pages 20-23 regarding existing claim 11, the Examiner respectfully disagrees. There is nothing in Claim 11 that suggests that the group of letters arranged in an annular array have to be in a specific orientation or that they can't be rotated with respect to a stationary selection indicator which shows which letter has been selected or if they even have to be letters of an alphabet. The Examiner is to read the Claim in view of the disclosure, but not to read limitations from the disclosure into the Claims. Claim 11 reads having a display unit that displays an image of a dial on which a group of letters are arranged in an annular array. Figure 4 of *Nguyen* (US 7,036,091) discloses having a dial on which a group of letters (options 424) are arranged in an annular array. Figures 4-8 of *Nguyen* also discloses that the options 424 contained in the menu/ring 420 are rotated by the user such that the desired option 424 is aligned with a selection indicator 428, the desired option 424 is selected and displayed on the GUI 410. Therefore *Nguyen* discloses performing the same basic functions as those recited in the above Claim 11. Thus *Goldenberg et al* and *Fitzmaurice et al* and *Mukai et al* in view of *Nguyen* teaches the subject matter of the above Claim 11.

Continuation of 13. Other: Claims 1-17 remain rejected for the same reasons as listed in the previous office action mailed on 10/12/2010.